

Environmental Protection Agency
1201 Elm Street, Ste. 500
Dallas, Texas 75270-2101

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND PROTECTION DIVISION**

IN THE MATTER OF:

**BFP MANAGEMENT, LLC,
d.b.a. Oklahoma Tire Recyclers (Used
Tire Recycling Indemnity Fund/Non-
payment for July 2021 & August 2021
and GARY HUMPHREYS,**

Petitioners/Respondents.

Case No. 21-167


SUBPOENA DUCES TECUM

TO: Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects on August 12, 2022 to Christensen Law Group, P.L.L.C. (see attached Exhibit A for list of documents or objects).

DATED this 29th day of July, 2022.

Respectfully submitted,



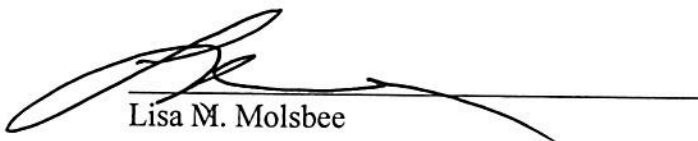
J. Clay Christensen (OBA #11789)
T. P. Howell (OBA #10347)
Lisa M. Molsbee (OBA #19530)
Jonathan M. Miles (OBA #31152)
CHRISTENSEN LAW GROUP, P.L.L.C.
The Parkway Building
3401 N.W. 63rd Street, Suite 600
Oklahoma City, Oklahoma 73116
Telephone: (405) 232-2020
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clay@christensenlawgroup.com
lynn@christensenlawgroup.com
lisa@christensenlawgroup.com
jon@christensenlawgroup.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

This shall certify that on the 29th day of July, 2022, a true and correct copy of the above and foregoing was mailed via First Class U.S. Mail, postage prepaid, and faxed to the following:

Gary Henry
Karen M. Jayne
Office of General Counsel
Department of Environmental Quality
707 N. Robinson
Oklahoma City, OK 73102


Lisa M. Molsbee

IN ORDER TO ALLOW OBJECTIONS TO THE PRODUCTION OF DOCUMENTS AND THINGS TO BE FILED, YOU SHOULD NOT PRODUCE THEM UNTIL THE DATE SPECIFIED IN THIS SUBPOENA, AND IF AN OBJECTION IS FILED, UNTIL THE COURT RULES ON THE OBJECTION.

A. PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

1. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.
2.
 - a. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
 - b. Subject to paragraph 2 of subsection D of this section, a person commanded to produce and permit inspection and copying or any party may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve written objection to inspection or copying of any or all of the designated materials or of the premises. An objection that all or a portion of the requested material will or should be withheld on a claim that it is privileged or subject to protection as trial preparation materials shall be made within this time period and in accordance with subsection D of this section. If the objection is made by the witness, the witness shall serve the objection on all parties; if objection is made by a party, the party shall serve the objection on the witness and all other parties. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. For failure to object in a timely fashion, the court may assess reasonable costs and

attorney fees or take any other action it deems proper; however, a privilege or the protection for trial preparation materials shall not be waived solely for a failure to timely object under this section. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

3. a. On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (1) fails to allow reasonable time for compliance; or
 - (2) requires a person to travel to a place beyond the limits allowed by 12 O.S. §2004(A)(3); or
 - (3) requires disclosure of a privilege or other protected matter and no exception or waiver applies; or
 - (4) subjects a person to undue burden; or
 - (5) requires production of books, papers, documents or tangible things that fall outside the scope of discovery permitted by 12 O.S. §3226.
- b. If a subpoena
 - (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena. However, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

B. DUTIES IN RESPONDING TO SUBPOENA

1. A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
2. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and

shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

C. CONTEMPT

Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed in contempt of the court from which the subpoena issued.

Exhibit A
Documents to be Produced

The term "Documents" shall mean, without limitation, all writings, memoranda, reports, notes, entries, letters, telegrams, telephone messages, telecopy transcriptions, contracts, agreements, brochures, circulars, tapes, bulletins, papers, correspondence, computer printouts and other printed, typewritten and handwritten matter and computer compilations, email and electronic documents that are in your possession, custody or control, or in the possession, custody or control of your agents, employees, servants and representatives and if you do not have possession, custody or control of the originals, any carbon, photographic or other copies, reproductions and facsimiles thereof. The term "Document" also includes each draft, copy or version of a Document which is not identical in all respects to the original or any other draft, copy or version thereof which contains handwriting markings or notations not on the originals or other copies.

1. Copies of any and all Documents, Communications and emails related to any fire(s) at the Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers including but not limited to correspondence, reports, invoices, investigations, investigative documents, investigative reports, inspections, inspection reports, reports regarding Oklahoma Tire Recyclers' operations and correspondence to/from Oklahoma Tire Recyclers and/or Oklahoma DEQ;
2. Copies of any and all Documents, Communications and emails related to any fire(s) at the Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers including but not limited to correspondence, reports, invoices, investigations, investigative documents, investigative reports, inspections, inspection reports, reports regarding Oklahoma Tire Recyclers' operations and correspondence relating to Oklahoma Tire Recyclers.
3. Copies of any and all Documents, Communications and emails related to any fire(s) at the Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers including but not limited to correspondence, reports, invoices, investigations, investigative documents, investigative reports, inspections, inspection reports, reports regarding Oklahoma Tire Recyclers' operations and correspondence relating to the property in which the fires occurred at Oklahoma Tire Recyclers.
4. Copies of any and all Documents, Communications and emails related to any fire(s) at the Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers including but not limited to correspondence, reports, invoices, investigations, investigative documents, investigative reports, inspections, inspection reports, reports regarding Oklahoma Tire Recyclers' operations and correspondence relating to Bristow Industrial Authority.
5. Copies of all minutes of any meeting and/or emails that related in any way to Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers.
6. Any and all complaints relating to Bristow Rubber Plant a/k/a Oklahoma Tire Recyclers.